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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

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DONALD ADRIAN

CIVIL ACTION NO. 08-1372

VERSUS

JUDGE S. MAURICE HICKS, JR.

UNITED STATES GOVERNMENT

MAGISTRATE JUDGE HORNSBY

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**JUDGMENT**

On September 17, 2008, Plaintiff Donald Adrian filed the instant lawsuit against the United States of America seeking compensatory and consequential damages, prejudgment interest, and attorneys fees and costs as "a share of the benefit that the Government received in its January 2004 Agreement" with the Regents of the University of California. See Record Document 1 ("Complaint"). The Government seeks dismissal of Adrian's claim pursuant to Federal Rule of Civil Procedure 12(b)(6) because, in light of the Fifth Circuit's decision in United States ex rel. Adrian v. Regents of the Univ. of Cal., No. 08-31140, 2009 WL 1807434 (5th Cir. June 25, 2009), Plaintiff has not and cannot state a claim for which relief may be granted. See Record Document 17.

In United States ex rel. Adrian, the Fifth Circuit held that Adrian "did not have a valid *qui tam* claim against the Regents," and therefore "was not entitled to share in the proceeds of the Settlement." In his response to the Government's Motion to Dismiss, Adrian acknowledges that the Fifth Circuit's decision is dispositive of Plaintiff's claims in the instant action. See Record Document 19.

Accordingly,

**IT IS ORDERED** that the Government's Motion to Dismiss Pursuant to FRCP 12(b)(6) [Record Document 17] be and is hereby **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiff Donald Adrian's claims against the United States of America be and are hereby **DISMISSED WITH PREJUDICE**.

**THUS DONE AND SIGNED** in Shreveport, Louisiana on this 23rd day of November, 2009.

  
S. MAURICE HICKS, JR.  
UNITED STATES DISTRICT JUDGE